

ESTTA Tracking number: **ESTTA449720**Filing date: **01/05/2012**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Tech Data Corporation		
Entity	Corporation	Citizenship	Florida
Address	5350 Tech Data Drive Clearwater, FL 33760 UNITED STATES		

Attorney information	Alan Blum Moses & Singer LLP 405 Lexington Avenue New York, NY 10174-1299 UNITED STATES ablum@mosessinger.com, dshapiro@mosessinger.com Phone:212-554-7800
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Registration Subject to Cancellation

Registration No	3553646	Registration date	12/30/2008
Registrant	StreamOne 522 Hunt Club Boulevard #149 Apopka, FL 32703 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 1999/05/01 First Use In Commerce: 1999/05/01
All goods and services in the class are cancelled, namely: Business consultation services

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	DOCS-#905837-v1-Petition_for_Cancellation_of_STREAMONE_and_design.pdf (4 pages)(23575 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Alan Blum/
Name	Alan Blum
Date	01/05/2012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration No. 3,553,646
Registered December 30, 2008
Mark: STREAMONE and Design

TECH DATA CORPORATION,

Petitioner,

v.

STREAMONE LLC,

Respondent.

Cancellation No. _____

PETITION FOR CANCELLATION

Petitioner Tech Data Corporation (“Tech Data”), believes that it is, and will continue to be, damaged by Registration No. 3,553,646 for the mark STREAMONE and design and hereby petitions for cancellation pursuant to Sections 14(3) and 35 of the Trademark Act of 1946, as amended (the “Lanham Act”), 15 U.S.C. §§ 1064(3), 1127. As grounds for cancellation, Petitioner asserts that:

1. Tech Data is a corporation duly organized and existing under the laws of the State of Florida, with its principal place of business at 5350 Tech Data Drive, Clearwater, Florida 33760.
2. Respondent StreamOne LLC is currently on record as the owner of Registration No. 3,553,646 for the designation STREAMONE and design in connection with “business consultation services” in International Class 35 (the “Registration”).
3. The Registration issued on December 30, 2008.
4. Upon information and belief, Respondent is a limited liability company with its principal place of business at 522 Hunt Club Boulevard, Apopka, Florida 32703.

5. On October 19, 2010, Tech Data filed an intent-to-use application for STREAM ONE, Serial No. 85/155,669, in connection with services in International Classes 35 and 42.
6. In an Office Action dated December 20, 2010, Examining Attorney Scott K. Bib refused registration of Serial No. 85/155,669 with respect to the services in International Class 35 claiming a likelihood of confusion with the Registration.
7. In an Office Action dated July 20, 2011, the Examining Attorney expanded the refusal of Serial No. 85/155,669 to both International Classes 35 and 42 claiming a likelihood of confusion with the Registration.
8. On April 22, 2011, Tech Data filed an intent-to-use application for STREAMONE and design, Serial No. 85/302,406, in connection with services in International Classes 35 and 42.
9. In an Office Action dated August 3, 2011, Examining Attorney Edward Nelson refused registration of Serial No. 85/302,406 claiming a likelihood of confusion with the Registration.
10. Upon information and belief, Respondent is not currently making a bona fide use of its designation STREAMONE and design in commerce in the United States, in the ordinary course of trade, in connection with business consultation services.
11. Upon information and belief, for at least three consecutive years since the issuance of the Registration, Respondent has not made bona fide use of the designation STREAMONE and design, in commerce in the United States, in the ordinary course of trade, in connection with business consultation services.
12. Upon information and belief, Respondent has no intent to resume any use of its designation STREAMONE and design in commerce in the United States, in the ordinary course of trade, in connection with business consultation services.

CERTIFICATE OF SERVICE

I certify that on the 5th day of January, 2012, I caused a true copy of the attached Petition for Cancellation to be served on Respondent StreamOne LLC, by sending same via overnight courier to the Respondent's correspondent information listed with the US Patent and Trademark Office, at the following address:

StreamOne LLC
533 S Hunt Club Blvd #149
Apopka, Florida 32703-4960

/Deborah L. Shapiro/

Deborah L. Shapiro